

Item SPR06-02 Response Form

Title: Appellate Procedure: Applications to File Amicus Briefs in the Court of Appeal
(amend Cal. Rules of Court, rule 13)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **if modified**
- ☐ **Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

☐ **Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Romunda Price,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 p.m., Friday, June 23, 2006

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council,
the Rules and Projects Committee, or the Policy Coordination and Liaison Committee.
All comments will become part of the public record of the council's action.*

Invitations to Comment (Proposal SPR06-02)

Title	Appellate Procedure: Applications to File Amicus Briefs in the Court of Appeal (amend Cal. Rules of Court, rule 13)
Summary	This proposal would amend rule 13 to require that an application to file an amicus brief in the Court of Appeal be filed no later than 14 days after the last respondent's brief is filed.
Source	Appellate Advisory Committee Hon. Kathryn Doi Todd, Chair
Staff	Heather Anderson, Committee Counsel, 415-865-7691, heather.anderson@jud.ca.gov
Discussion	<p>Rule 13(c) of the California Rules of Court addresses applications to the presiding justice seeking to file amicus briefs in the Court of Appeal. This rule does not currently set a time frame within which such an application must be filed. This may create confusion for those interested in potentially filing an amicus brief.</p> <p>This proposal would amend rule 13 to require that an application to file an amicus brief in the Court of Appeal be filed no later than 14 days after the last respondent's brief is filed. This is the same time limit within which amicus briefs from the Attorney General must be filed. This time limit is after each party's principal brief is filed so that amicus can take parties' briefs into account in determining whether it is necessary to file an amicus and which supplemental arguments would be most helpful to the court. It is also before the appellant's reply brief is due, allowing for adjustments in the timing and content of the reply brief if the presiding justice decides to grant the amicus application. As with amicus applications in the Supreme Court, however, under this amendment to rule 13, the presiding justice could permit a late application if the applicant showed compelling reasons for the delay.</p>
	Attachment

Rule 13 of the California Rules of Court would be amended, effective January 1, 2007, to read:

Rule 13. Briefs by parties and amici curiae

(a)–(b) ***

(c) Amicus curiae briefs

- (1) Within 14 days after the last respondent's brief is filed, any person or entity may serve and file an application for permission of the presiding justice to file an amicus curiae brief. The presiding justice may allow later filing if the applicant shows specific and compelling reasons for the delay.
- (2) The application must state the applicant's interest and explain how the proposed amicus curiae brief will assist the court in deciding the matter.
- (3) The proposed brief must be served and must accompany the application, and may be combined with it.
- (4) The covers of the application and proposed brief must identify the party the applicant supports, if any.
- (5) If the court grants the application, any party may file an answer within the time the court specifies. ~~It~~ The answer must be served on all parties and the amicus curiae.
- (6) The Attorney General may file an amicus curiae brief without the presiding justice's permission, unless the brief is submitted on behalf of another state officer or agency. The Attorney General must serve and file the brief within 14 days after the last respondent's brief is filed, and must provide the information required by (2) and comply with (4). Any party may serve and file an answer within 14 days after the brief is filed.